



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Agenda CITY COUNCIL

*R. Steve Tumlin, Mayor*  
*Stuart Fleming, Ward 1*  
*Grif Chalfant, Ward 2*  
*Johnny Walker, Ward 3*  
*G A. (Andy) Morris, Ward 4*  
*Anthony Coleman, Ward 5*  
*Michelle Cooper Kelly, Ward 6*  
*Philip M. Goldstein, Ward 7*

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Wednesday, October 14, 2015

7:00 PM

Council Chamber

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### CALL TO ORDER:

### INVOCATION:

*Pastor James Birdsong, Gospel Outreach Tabernacle*

### PLEDGE OF ALLEGIANCE:

### PRESENTATIONS:

#### **20150864 Savvy Award - Top in Nation**

Presentation of an award by 3CMA, City-County Communications & Marketing Association to the 150th Anniversary Committee of the Civil War. Marietta won first in the nation in the category of "Special Events, One-Time Event". Some comments from the judges included "Very well organized for such a large undertaking. Inclusive of many different groups of stakeholders. A diverse and innovative approach to celebrating history. Fake newspaper was awesome - loved reading The Marietta War Time News!" Committee Chair Bill Bruton, Jr. and Communications Manager Lindsey Wiles to receive for the committee.

**20150674      Marietta Citizens' Police Academy Graduation**

The Marietta Citizens' Police Academy recognizes the following graduates

Fred Brown  
Lisa M. Cymbor  
Elisa Herbst  
Diane J. Hewitt  
Deborah Holman  
Haley Holman  
Robert B. Holman  
Chanda Lightsey  
Carol Mayer  
Marcia McDermott  
Eric McGhee  
Patricia Mosley  
James M. Northcutt  
Jane Oddi  
Richard C. Sayers  
Charles A. Smith  
William Whitlock  
Patricia Wills

**20150873      Park Street Elementary 2015 Clean Water and Public Power Week Poster Contest Winners**

Presentation of the 2015 Clean Water and Public Power Week poster contest winners from Park Street Elementary School by Karmen Scarbro and Kim Holland.

**Clean Water Week Winners:**

Grand Prize - Anthony Rosario - 5th Grade  
1st Place - Diana Canas - 5th Grade  
2nd Place - Kathy Sarai Zacarias - 3rd Grade  
3rd Place - Sherlynn Renteria - 5th Grade

**Public Power Week Winners:**

Grand Prize - Jesse Maina - 4th Grade  
1st Place - Kendall Jones - 4<sup>th</sup> Grade  
2nd Place - Caleb Northam - 5th Grade  
3rd Place - Amora Nelson - 3rd Grade

**PROCLAMATIONS:**

**20150928      Live Well Marietta Day**

Mayor Tumlin presents a proclamation to Cecelia Patellis and Kim Menefee from WellStar recognizing Live Well Marietta Day on October 14, 2015 encouraging all our citizens, individual, corporate, and institutional to take an active role in engaging in activities that promote healthy eating and greater physical activity.

**20150927      Proclamation - Diaper Day**

Presentation of a Proclamation to Ms. Barbara Hickey, declaring Monday, October 26, 2015 as "Cobb Diaper Day" in the City of Marietta. The Cobb Diaper Day Committee is committed to asking the business community, concerned citizens, and non-profit organizations, to collect diapers from employees, members and friends throughout the month of October. The single act of donating diapers on Monday, October 26 at 5:00 PM at Glover Park, on the Marietta Square can help hundreds of families in Cobb County.

**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:****SCHEDULED APPEARANCES:**

**Each speaker is allotted five (5) minutes.**

**20150933      Scheduled Appearance - Ms. Antiqua Cleggett**

Ms. Antiqua Cleggett, Development Coordinator for Georgia Symphony Orchestra Wishes to address council about their upcoming Music Director Search and to thank them for the tourism grant.

**20150935      Scheduled Appearance - Dr. John Morgan**

Dr. John Morgan will make a presentation to council relative to homeless outreach.

**UNSCHEDULED APPEARANCES:**

**Each speaker is allotted five (5) minutes.**

**CONSENT AGENDA:**

**Consent agenda items are marked by an asterisk (\*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).**

**MINUTES:****\* 20150930 Regular Meeting - September 9, 2015**

Review and approval of the September 9, 2015 Regular Meeting Minutes.

**MAYOR'S APPOINTMENTS: (for informational purposes only)****CITY COUNCIL APPOINTMENTS:****ORDINANCES:****20150810 Z2015-30 [REZONING and SPECIAL LAND USE PERMIT] HI ATLANTA INC (TONY PATEL)**

Z2015-30 [REZONING and SPECIAL LAND USE PERMIT] HI ATLANTA INC (TONY PATEL) requesting rezoning for property located in Land Lot 799, District 17, Parcel 0080, 2nd Section, Cobb County, Georgia, and being known as 2500 Delk Road from OI (Office Institutional) to OHR (Office High Rise) with a Special Land Use Permit for an extended stay hotel. Ward 7A.

*The Planning Commission Recommends Approval:*

*Vote: 4-3-0*

*Mr. Rosenbury made a motion, seconded by Mr. Hunter to recommend approval as submitted. The motion carried 5-3-0. Mr. Diffley, Ms. McCrae, and Mr. Vanderslice opposed.*

*PUBLIC HEARING (All parties sworn in)*

**20150813 Z2015-31 [REZONING] JERUSALEM RESTAURANT & BAKERY**

Z2015-31 [REZONING] JERUSALEM RESTAURANT & BAKERY requesting rezoning for property located in Land Lot 726, District 17, Parcel 0120, 2nd Section, Cobb County, Georgia, and being known as 1175 Franklin Road from LI (Light Industrial) to CRC (Community Retail Commercial). Ward 7A.

*The Planning Commission Recommends Approval:*

*Vote: 7-0-0*

*Mr. Diffley made a motion, seconded by Ms. McCrae to recommend approval as submitted including the stipulations stated in the letter dated September 22, 2015 from Sams, Larkin, Huff & Balli, LLP. The motion carried 7-0-0.*

*PUBLIC HEARING (All parties sworn in)*

\*      **20150814      Z2015-32 [REZONING] ALAN SCHLACT (KRAFT MARK HOMES, LLLP)**

Z2015-32 [REZONING] ALAN SCHLACT (KRAFT MARK HOMES, LLLP) requesting rezoning for property located in Land Lot 796, District 17, Parcels 0260, 0270, 0390 and 0380, 2nd Section, Cobb County, Georgia, and being known as 770, 780, 786, & 790 Powers Ferry Road from R-20 (Single Family Residential - County) to R-4 (Single Family Residential 4 units/acre - City). Ward 6A.

*Mayor Tumlin discloses conflict with the Powers Ferry Station zoning and annexation and will reclude himself from participation in discussion and vote.*

*The Planning Commission Recommends Approval:*

*Vote: 7-0-0*

*Mr. Diffley made a motion, seconded by Mr. Vanderslice to recommend approval as submitted including the stipulations stated in the letter dated September 24, 2015 from Sams, Larkin, Huff & Balli, LLP. The motion carried 7-0-0*

*PUBLIC HEARING (All parties sworn in)*

\*      **20150815      A2015-06 [ANNEXATION] ALAN SCHLACT (KRAFT MARK HOMES, LLLP)**

A2015-06 [ANNEXATION] ALAN SCHLACT (KRAFT MARK HOMES, LLLP) requesting the annexation of property located in Land Lot 796, District 17, Parcels 0260, 0270, 0390, & 0380 (also known as 770, 780, 786, & 790 Powers Ferry Road), of the 2nd Section, Cobb County, Georgia consisting of 3.17 acres. Ward 6A.

*Mayor Tumlin discloses conflict with the Powers Ferry Station zoning and annexation and will reclude himself from participation in discussion and vote.*

*The Planning Commission Recommends Approval:*

*Vote: 7-0-0*

*Mr. Diffley made a motion, seconded by Mr. Rosenbury to recommend approval as submitted. The motion carried 7-0-0.*

*PUBLIC HEARING (All parties sworn in)*

\*      **20150816      CA2015-08 [CODE AMENDMENT]**

CA2015-08 [CODE AMENDMENT] In conjunction with the requested annexation of property in Land Lot 796, District 17, Parcels 0260, 0270, 0390 and 0380, 2nd Section, Cobb County, Georgia, (also known as 770, 780, 786, and 790 Powers Ferry Road), the City of Marietta proposes to designate the Future Land Use of said property as LDR (Low Density Residential). Ward 6A.

*Mayor Tumlin discloses conflict with the Powers Ferry Station zoning and annexation and will reclude himself from participation in discussion and vote.*

*The Planning Commission Recommends Approval:                      Vote: 7-0-0*

*Mr. Diffley made a motion, seconded by Mr. Poor to recommend approval as submitted. The motion carried 7-0-0.*

*PUBLIC HEARING (All parties sworn in)*

\*      **20150818      Z2015-33 [REZONING] CITY OF MARIETTA**

Z2015-33 [REZONING] CITY OF MARIETTA requesting rezoning for property located in Land Lots 1213, 1235, 1236, District 16, 2nd Section, Marietta, Cobb County, Georgia, and being known as portions of 10' unnamed alley, Roswell Street right-of-way, and Victory Drive right-of-way) from unzoned to CRC (Community Retail Commercial). Wards 5A and 1A.

*The Planning Commission Recommends Approval:                      Vote: 7-0-0*

*Mr. Vanderslice made a motion, seconded by Mr. Diffley to recommend approval as submitted. The motion carried 7-0-0.*

*PUBLIC HEARING (All parties sworn in.)*

*Council member Goldstein abstaining.*

\*      **20150819      Z2015-34 [REZONING] THE WALKER SCHOOL, INC**

Z2015-34 [REZONING] THE WALKER SCHOOL, INC requesting rezoning for property located in Land Lots 998, 999, 1018, and 1019, District 16, Parcel 0100, 2nd Section, Cobb County, Georgia, and being known as 815 Allgood Road from HI (Heavy Industrial) to OI (Office Institutional). Ward 5B.

*The Planning Commission Recommends Approval:                      Vote: 7-0-0*

*Mr. Poor made a motion, seconded by Mr. Rosenbury to recommend approval as submitted including the stipulations stated in the letter dated October 2, 2015 from Moore Ingram Johnson & Steele, LLP. The motion carried 7-0-0*

*PUBLIC HEARING (All parties sworn in)*

\*      **20150729      Z2015-35 [REZONING] CITY OF MARIETTA**

Z2015-35 [REZONING] CITY OF MARIETTA requesting rezoning for properties located in Land Lots 651, 652, 717, and 718, District 17, Parcels 0020 and 0050, 2nd Section, Marietta, Cobb County, Georgia, and being known as 849 and 861 Franklin Road from PRD-MF (Planned Residential Development Multi Family) to PCD (Planned Commercial Development). Ward 7A.

*The Planning Commission Recommends Approval:*

*Vote: 7-0-0*

*Mr. Rosenbury made a motion, seconded by Mr. Vanderslice to recommend approval as submitted. The motion carried 7-0-0.*

*PUBLIC HEARING (All parties sworn in.)*

\*      **20150701      CA2015-09 [CODE AMENDMENT]**

CA2015-09 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Section 712.11, Residential Infill Development Overlay District.

*The Planning Commission Recommends Approval::*

*Vote: 7-0-0*

*Mr. Diffley made a motion, seconded by Mr. Poor to recommend approval as submitted. The motion carried 7-0-0.*

*PUBLIC HEARING (All parties sworn in.)*

*Council members Coleman and Goldstein voting against.*

**RESOLUTIONS:**

**CITY ATTORNEY'S REPORT:**

\*      **20150940      Denial of Claim**

Denial of the claim of Stewart Gitters.

\*      **20150941      Denial of Claim**

Denial of the claim of Brelyn Anderson.

**CITY MANAGER'S REPORT:**

**MAYOR'S REPORT:**

**COMMITTEE REPORTS:**

**1. Economic/Community Development: G. A. (Andy) Morris, Chairperson****\* 20150875 FFY2015 CDBG Funds**

Approve the transfer of CDBG funds from Housing Rehabilitation to Public Facilities for acquisition and improvement of this land; subject to the execution of a long-term lease agreement between the Salvation Army and the City of Marietta on or before February 12, 2016.

**\* 20150876 Proposed Use of FFY 2015 CDBG Funds**

Approval of a Resolution allocating \$34,200 in unspent FFY'2015 CDBG Housing Rehabilitation funds to Cobb-Douglas Public Health to acquire equipment to furnish a dental treatment room and pediatric examination room.

**2. Finance/Investment: Stuart Fleming, Chairperson****\* 20150776 Vehicle Replacement**

Approval of an Ordinance amending the Fiscal Year 2016 Budget to receive \$26,012 in insurance claim reimbursement and transfer to the General Fund to purchase a Police Patrol replacement vehicle.

**\* 20150857 Budget amendment to settle FY2015**

Approval of an Ordinance amending the Fiscal Year 2015 to budget to address the annual year-end settlement of accounts to move the salary savings due to unfilled positions for the purchase of vehicles and equipment, to move the General Fund capital contingency to user departments to cover approved capital items, and to appropriate the operational surplus in various Funds of the City.

**3. Judicial/Legislative: Philip M. Goldstein, Chairperson****\* 20150865 Polling Place Amendment**

Motion to approve a permanent polling place change for Ward 4A from the World Changers Church International to Maple Avenue United Methodist Church, 63 Maple Avenue, Marietta, GA 30064 to coincide with the change adopted by the Cobb County Board of Election and Registration.



\*      **20150881      CA2015-10 [CODE AMENDMENT]**

CA2015-10 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Section 723.03, Sanitary sewers, to address minimum lot size of septic tank lots.

\*      **20150871      2016 City Council Meeting Dates**

Approval of a Resolution establishing the City Council meeting dates and approval of the committee meeting calendar for 2016.

\*      **20150878      Detailed Plan for 554 Haley Street**

Motion to approve the detailed plan for the property at 554 Haley Street, including the site plan, landscape plans and architectural elevations, as shown on the attached plans labeled “Detailed Plan for 554 Haley Street”, signed by the owner and dated October 14, 2015, in accordance with Section 708.14(J.4) of the Marietta City Code.

The front setback of the houses may be 10 feet or more; however driveways, shall be at least 18’ between the garage and the back of the sidewalk in order to accommodate two cars in addition to those provided in the two-car garage.

In order to ensure that the homes built in the 554 Haley Street development are built consistent with the definition of 4-Sided Architecture, the following language shall be adopted:

1. The homes in the community shall be traditional in nature, and consistent with the house elevations submitted and signed by Brock Built Homes and approved by the City of Marietta, dated October 14, 2015.
2. Design features, standards, and requirements incorporated in the homes shall be as follows:
  - a. Mixture of materials with material changes taking place on the interior corners or where roof massing accommodates the change of materials.
  - b. Window muntins appropriate to the style of the home on all four sides of the residence.
  - c. Shutters deemed appropriate on front, side, and rear elevations of the homes.
  - d. Mixture of the materials to continue, as appropriate onto the side and rear elevations.
  - e. There shall be a maximum of 20 feet horizontally and vertically between architectural fenestration elements (windows, false shutters, change of material, etc.) per heated floor space. This will eliminate large expanses of a single material without a break and add architectural interest to the elevations.
  - f. The front loaded garages shall have carriage-style garage doors.
  - g. In the event of a disagreement as to being four-sided architecture, the City Manager of the City of Marietta, GA shall be the final arbiter of the plan meeting the criteria.

*Council Member Morris voting against*

\*      **20150880      Revised Detailed Plan for Marietta Walk**

Motion to approve the revised detailed plan for Marietta Walk, including the site plan and landscape plans, as shown on the attached plans, signed by the owner and dated October 14, 2015, in accordance with Section 708.14(J.4) of the Marietta City Code.

**4. Parks, Recreation, and Tourism: Michelle Cooper Kelly, Chairperson**

\*      **20150892      Custer Park Monument Sign Options**

Motion to authorize the installation of an electronic sign for the Custer Park Sports and Fitness Complex.

\*      **20150893      Branding Project Request for Ice Rink venue beginning date.**

Motion to authorize the Branding Project to begin operation of the ice skating venue in Glover Park on November 20, 2015, with set up to begin on or after November 10th with construction activity to cease during the Veteran's Day Parade and Ceremony.

*Council member Goldstein has previously disclosed that he is a member or participant of Marietta Square Branding Project, Inc.*

*Council member Goldstein abstaining.*

\*      **20150894      Branding Project New Year's Eve Street Closures Request**

Motion to authorize the closure of various street in the downtown for the New Year's Eve event, as shown on the attached diagram.

*Council member Goldstein has previously disclosed that he is a member or participant of Marietta Square Branding Project, Inc.*

*Council member Goldstein abstaining.*

\*      **20150874      Supplemental FY16 Tourism Grant Presentations**

Motion to approve the supplemental FY16 Tourism Grant funding as follows:

The Earl Smith Strand Theatre - \$28,000

Georgia Ballet: \$5,000

Marietta/Cobb Museum of Art - \$15,000

Marietta Gone With The Wind Museum - \$22,500

Marietta Museum of History - \$19,500

Symphony on the Square - \$5,000

The Marietta Welcome Center - \$5000

*Council member Goldstein disclosed that he is an owner of and a general partner for the Herbert S. Goldstein Family Limited Partnership that owns the Earl Strand Theater at 115-119 North Park Square, Marietta GA. The tenant is Friends of the Strand, Inc. Council member Goldstein also owns the property occupied by and leased to Lyric Theater at West Anderson Street. Council member Goldstein abstains on and will not participate on allocation of funds to the above two (2) entities.*

*Council member Goldstein is or has been a member of: Friends of Brumby Hall, Inc., Cobb Landmarks, and Historical Society, Inc., Marietta-Cobb Museum of Art, member or participant of Marietta Square Branding Project, Inc; and the Marietta Museum of History.*

*Council Goldstein's wife, Elise, is a volunteer in the Georgia Symphony Chorus, which is part of or under Georgia Symphony Orchestra.*

**5. Personnel/Insurance: Johnny Walker, Chairperson**

\*      **20150860      Military Leave**

Approval of an ordinance amending the language in Article 4-4-16-060 regarding military leave.

**20150040      Pension Amendment**

Motion requesting the pension board discuss and consider pension amendment regarding breaks in service of no more than eight years.

\*      **20150869      City/BLW Position Allocation Chart**

Approval of an ordinance amending the FY2016 City of Marietta/BLW Position Allocation Chart in order to clarify usage of part-time staffing in the Parks, Recreation, and Facilities Department.

**6. Public Safety Committee: Anthony Coleman, Chairperson**

**7. Public Works Committee: Grif Chalfant, Chairperson****\* 20150889 City of Marietta Property fronting Marietta Walk**

Motion authorizing the abandonment and sale of a remnant parcel of City of Marietta Property fronting 426 Powder Springs Street at the Marietta Walk Development to Century Communities of Georgia, LLC in exchange for \$24,780 and the stipulation that Century Community of Georgia, LLC and the subsequent HOA will be responsible the installation of maintenance of trees and landscaping in conformance with the Powder Springs Streetscape Improvement project with review and approval from the Public Works Director.

*Public Hearing Required*

**\* 20150891 Traffic Calming at Custer Park**

Motion authorizing installation of a speed table on Kenneth E. Marcus Way meeting the design criteria of the Speed Table Ordinance and a mid-block pedestrian crossing at the entrance to the Custer Park Sports and Fitness Center.

**\* 20150697 Roswell Street Right of Way**

Motion authorizing the abandonment and exchange of portions of unnamed alley right of way, Roswell Street right of way, and Victory Drive right of way as per the Settlement Agreement and Exchange Agreement between the City of Marietta and Roswell Street Baptist Church dated September 25th, 2013. The exchange and abandonment are found to be in the best interest of the public and are in conformity with Georgia law.

*Public Hearing Required*

*Council member Goldstein abstaining.*

**\* 20150885 Renaming Franklin Road**

Motion to authorize staff to move forward with the process of changing the name of Franklin Road to Gateway Boulevard. This includes the entire length of Franklin Road beginning at the intersection of Banberry Road and Franklin Road to Cobb Parkway and Franklin Road. Included for consideration is to designate Gateway Boulevard commencing at South Marietta Parkway and terminating at Delk Road as the "Franklin Commemorative Highway". The process will include advice and counsel from the Gateway Marietta CID area community and stakeholders. Further, there shall be two (2) public hearings, one held on Franklin Road and one at City Hall.

**OTHER BUSINESS:**

**20150707      V2015-42 [VARIANCE] CLEARCHANNEL OUTDOOR, INC**

V2015-42 [VARIANCE] CLEARCHANNEL OUTDOOR, INC is requesting a variance for property located in Land Lot 1212, District 16, Parcel 0210, 2nd Section, Cobb County, Georgia, and being known as 131 Cobb Parkway North, currently zoned CRC (Community Retail Commercial). Ward 5A.

- Variance from the sign height regulations to allow digital panel(s) on the existing billboard.

**\*      20150582      Final Plat for Meeting Park Phase III**

Motion approving the final plat for Meeting Park Phase III located in Land Lot 1232, District 16, 2nd Section, Marietta, Cobb County, Georgia.

**\*      20150948      Manget Phase IV Revised Detailed Plan**

Motion to approve the revised detailed plan for Manget Phase IV, as shown on the attached plans, signed by the owner and dated October 14, 2015, in accordance with Section 708.14(J.4) of the Marietta City Code. The following items are specifically noted:

- Lot 121 allowed to encroach into the 35 foot landscape buffer, only as specifically shown on the attached plans.
- A revised tree plan for this phase has not been provided at this time. A revised tree plan must be submitted for approval by City Council.
- Revised elevations have not been provided at this time. Revised elevations must be submitted for approval by City Council.

All other previously approved stipulations and conditions will remain in effect.

**\*      20150951      Park Naming Policy**

Motion to delete the restrictive language of "having been deceased for three years" and "after a deceased person" as a criteria from the park naming policy. This item was requested by Councilmember Kelly.

**\*      20150950      Naming of Park on Blackwell Lane**

Motion to adopt an ordinance naming the new park located at 195 Blackwell Lane after Joanne Woodward for her outstanding achievements and her contributions to the City of Marietta and community. This item is requested by Council Member Walker and Mayor Tumlin.

**20150958      1195 Powder Springs Street - acquisition of a portion of property and easements**

Motion authorizing acquisition of a portion of property and easements at 1195 Powder Springs Street from McDonalds Corp. for the purpose of constructing the Powder Springs Street Sidewalk Phase II Project in exchange for \$15,000.00 and the following stipulations:

- The temporary construction easement is not to be used for staging equipment or construction parking, just construction work pedestrian access. All work should be coordinated with the restaurant so as not to interfere with customer traffic patterns. Please inform the store 2 weeks prior to construction starting.
- All landscaping, sodding, curbing, gutter, and asphalt must be restored by the City after construction is completed.
- If the ADA Handicap parking signs are removed from the easement area during construction, they should be replaced by the City after construction. The City will also provide temporary signage for the handicap spaces during construction.

**20150959      Advertisement to amend Division 722, Reversionary Clause**

Motion to authorize advertisement to amend Division 722, Reversionary Clause, as shown below, by deleting it in its entirety.

722.06 Reversionary clause

If at the time of 12 months from the date of rezoning of property the owner has not obtained a building permit, and presented the necessary development plans as determined by the Department of Planning and Zoning on at least a portion of said property, the Planning and Zoning Director may propose a map amendment to rezone the property back to the previous zoning district classification. The owner of the property will be notified of the reversionary action to take place and afforded an opportunity to appear before the Planning Commission and City Council to show cause why the reversionary action should not be taken.

\*      **20150931      BLW Actions of October 12, 2015**

Review and approval of the October 12, 2015 actions and minutes of Marietta Board of Lights and Water.

**UNSCHEDULED APPEARANCES:**

**Each speaker is allotted five (5) minutes.**

**ADJOURNMENT:**